



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. 09/945,006 Confirmation No. 1607  
Applicant J. Pat Evans et al.  
Filed August 31, 2001  
TC/A.U. 3728  
Examiner Anthony D. Stashick  
For ORTHOTIC FOOTWEAR AND INSOLE THEREOF  
  
Docket No. 10368/24701  
Customer No. 24349

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF J. PAT EVANS**

I, J. Pat Evans, do hereby declare the following:

1. I am a co-inventor of the subject matter disclosed and claimed in the above captioned patent application.
2. I am a Board Certified Orthopedic Surgeon, having attended the University of Texas, Southwest medical school where I also served my orthopedic residency. I have had over 30 years in private medical practice, the last 25 years of that in sports medicine. In my sports medicine practice, I have treated high school, Olympic, and Professional athletes for orthopedic concerns, and in particular treatment of the foot. I have personally fabricated shoe insoles for my patients in private practice for at least 20 years.
3. The bones in the normal human foot are in the same anatomical relation regardless of the size of the foot. Thus, for people wearing the same size shoe, the bone structure of the normal foot is supported by the same portions of the insole of the shoe. Thus, bone structure such as the metatarsal heads, the Astragalas, the cuboid, the plantar surface, and the Tibilius Anticus do not differ in placement, size and shape on people who wear the same size shoe. Therefor, it is entirely proper to define the shape of an insole by the positions that these bone structures will contact when a shoe is worn. The shoe size does generally give the positions of such bone structure in the normal foot as the bones clearly define what the foot

size is.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

J. Pat Evans  
Dr. J. Pat Evans

8 Nov. 2004  
Date: